

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERIC DANA BRUCE,

Plaintiff,

v.

STATE OF MISSISSIPPI,

Defendant.

Case No. [22-cv-05516-HSG](#)

ORDER OF DISMISSAL


On or about September 28, 2022, the Court docketed a 34-page document received from Eric Dana Bruce, titled “Petition Requesting Authorization for Parole Consideration.” Dkt. No. 1. Because Plaintiff sought relief from this Court, the Court opened an action pursuant to this filing. That same day, the Court sent Plaintiff deficiency notices, instructing Plaintiff that he was required to (1) file his complaint on a complaint by a prisoner form, if he was seeking to file a civil rights action, or file his petition on a petition for a writ of habeas corpus form, if he was seeking to file a federal habeas petition, and (2) either pay the filing fee or file an application for leave to proceed *in forma pauperis*. Dkt. Nos. 2, 3. The Court sent Plaintiff a blank complaint form, a blank petition for writ of habeas corpus form, and an *in forma pauperis* application form. Dkt. Nos. 2, 3.

The deadline to file (1) either a complaint or petition and (2) either pay the filing fee or file an application for leave to proceed *in forma pauperis* has passed. Plaintiff has not filed the required documents. This action cannot proceed without a complaint or petition on the proper form and either the filing fee or an application to proceed *in forma pauperis*. Accordingly, this action is DISMISSED for failure to file a complaint or petition on the proper form and for failure to either pay the filing fee or file an application to proceed *in forma pauperis*. The dismissal is

1 without prejudice to Plaintiff filing a motion to reopen the action. Any motion to reopen must be
2 accompanied by a complaint or petition on the proper form and either the filing fee or an
3 application to proceed *in forma pauperis*. The Clerk shall enter judgment in favor of Defendant
4 and against Plaintiff, and close the case.

5 **IT IS SO ORDERED.**

6 Dated: 12/16/2022

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8 HAYWOOD S. GILLIAM, JR.
9 United States District Judge
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